

**REMARKS**

Per the request of the Examiner, a newly executed Revised Declaration And Power Of Attorney is attached herewith.

**Response to Claim Objections**

Claims 28, 31-33, 36, 42-45, 47, 48 and 53 were objected to by the Examiner based upon several informalities. The above amendments to these claims correct the informalities.

**Response to Claim Rejections Under 35 USC §112**

Claims 37, 39-41 and 48-57 are rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above amendments to the claims rejected under 35 USC §112(2) should overcome these rejections.

**Response to Claim Rejections Under 35 USC §102**

Claim 1 was rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Hofmann et al. (U.S. Pat. No. 5,925,044). Applicants have cancelled claim 1 without prejudice so the rejection is now moot.

Claims 28-31, 33, 34, 42-45, 47-51 and 53 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Milliman et al. (U.S. Pat. No. 5,817,034). In response, applicants have amended these claims to require the distal end of the stylet to be larger in transverse dimensions than the transverse dimensions of the first cutting surface or configured to receive the first cutting surface. The end of the stylet of the Milliman et al. device has smaller transverse dimensions than the open distal end of the

outer cannula, so this device does not anticipate the pending claims as amended above.

#### Response to Double Patenting

Claims 28-57 were rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 and 28-37 of U.S. Patent No. 6,261,241.

Claims 42-46 were rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,689,071.

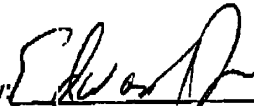
Claims 28-33 and 42-53 were rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,497,706.

In response applicants have filed concurrently herewith a Terminal Disclaimer (By Attorney) with respect to the above rejected claims.

#### Conclusion

Applicants believe that the pending claims define patentable subject matter. Reconsideration and an early allowance thereof are earnestly solicited.

Respectfully submitted,

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